

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

RHONDA McBEE,

Plaintiff,

v.

SECURITY CREDIT SYSTEMS,

Defendant.

Civil Action Number: 2:09-02764

OPINION

HON. WILLIAM J. MARTINI

OPINION

Before the Court is the report and recommendation of the Magistrate Judge below recommending granting Defendant Security Credit Systems' motion to dismiss. The basis for the recommendation was Plaintiff's failure to comply with discovery obligations, even after an express warning from the Court that should she continue to fail to comply she risked dismissal of her action with prejudice. Even after being warned, Plaintiff did not comply with her discovery obligations. Thereafter, Defendant filed a motion to dismiss. Plaintiff filed no opposition brief and Plaintiff filed no objections to the Magistrate Judge's report and recommendation.

With respect to dispositive motions, such as Plaintiff's motion to dismiss, the district

court must make a *de novo* determination of those portions of the magistrate judge's Report to which a litigant has filed an objection. *See* 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b); L. Civ. R. 72.1(c)(2). When no objections are made in regard to a report or parts thereof, the District Court will adopt the report and accept the recommendation if it is "satisf[ied] ... that there is no clear error on the face of the record." Fed. R. Civ. P. 72 Advisory Committee's Notes (citation omitted); *see Peerless Ins. Co. v. Ambi-Rad, Ltd.*, Civil Action No. 07-5402, 2009 WL 790898, at *3 (D.N.J. 2009).

Having examined the report and recommendation and the filings of the parties, the Court is satisfied that the Magistrate Judge below correctly applied *Poulis v. State Farm & Cas. Co.*, 747 F.3d 863 (3d Cir. 1984), to the facts of this case. The sanction of dismissal was appropriate where, as here, Plaintiff failed to comply with her discovery obligations after having been expressly warned that failure risked dismissal of her action.

The Court **ADOPTS** the report and recommendation, **GRANTS** the motion, and **DISMISSES** this action.

An appropriate order follows.

DATE: March 29, 2010

s/ William J. Martini
William J. Martini, U.S.D.J.